

ASSEMBLY BILL

No. 219

Introduced by Assembly Member Daly

February 2, 2015

An act to amend Section 1720.3 of the Labor Code, relating to public works.

LEGISLATIVE COUNSEL'S DIGEST

AB 219, as introduced, Daly. Public works: concrete delivery.

Existing law defines “public works,” for purposes of requirements regarding the payment of prevailing wages for public works projects, to include, among other things, the hauling of refuse from a public works site to an outside disposal location with respect to contracts involving any state agency, including the California State University and the University of California, or any political subdivision of the state. Existing law makes a willful violation of law relating to payment of prevailing wages on public works a misdemeanor.

This bill would expand the definition of “public works,” for these purposes to include the delivery of ready-mixed concrete with respect to contracts involving any state agency or any political subdivision of the state. By expanding the definition of a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1720.3 of the Labor Code is amended to
2 read:

3 1720.3. (a) For the limited purposes of Article 2 (commencing
4 with Section 1770), “public works” also means the hauling of
5 refuse from a public works site to an outside disposal location, *or*
6 *the delivery of ready-mixed concrete to a public works site*, with
7 respect to contracts involving any state agency, including the
8 California State University and the University of California, or
9 any political subdivision of the state.

10 (b) For purposes of this section, the “hauling of refuse” includes,
11 but is not limited to, hauling soil, sand, gravel, rocks, concrete,
12 asphalt, excavation materials, and construction debris. The “hauling
13 of refuse” shall not include the hauling of recyclable metals such
14 as copper, steel, and aluminum that have been separated from other
15 materials at the jobsite prior to transportation and that are to be
16 sold at fair market value to a bona fide purchaser.

17 SEC. 2. No reimbursement is required by this act pursuant to
18 Section 6 of Article XIII B of the California Constitution because
19 the only costs that may be incurred by a local agency or school
20 district will be incurred because this act creates a new crime or
21 infraction, eliminates a crime or infraction, or changes the penalty
22 for a crime or infraction, within the meaning of Section 17556 of
23 the Government Code, or changes the definition of a crime within
24 the meaning of Section 6 of Article XIII B of the California
25 Constitution.